

Message Text

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ACTION EB-07

INFO OCT-01 CIAE-00 COME-00 DODE-00 NSAE-00 USIA-06 TRSE-00

EUR-12 ERDA-05 ISO-00 EA-07 ACDA-07 /045 W

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FM USMISSION OECD PARIS

TO SECSTATE WASH DC 4868

INFO AMEMBASSY BONN

C O N F I D E N T I A L OECD PARIS 00554

EXCON

E.O. 11652: XGDS1

TAGS: ESTC, COCOM, GW

SUBJ: GERMAN DEMARCHE TO WASHINGTON ON COCOM EXCEPTION
REQUESTS.

REFS: COCOM DOCS (76) 550, 918, 993, 1022, 1024, 1269

AND 1369; TOWNSEND-PRACHT TELCON JAN 6

1. GERMAN DEL HAS FURNISHED USDEL COPY OF HIS GOVERN-
MENT'S INSTRUCTION TO ITS EMBASSY IN WASHINGTON TO TAKE
UP THESE CASES WITH THE DEPARTMENT. WHILE USDEL IS
INFORMED GERMAN EMBASSY OFFICIALS HAVE ALREADY MADE
THEIR DEMARCHE, DEPARTMENT MAY FIND USEFUL OUR
TRANSLATION OF FINAL TWO PARAGRAPHS OF INSTRUCTION
ITSELF, AS FOLLOWS.

2. "SINCE DESPITE SEVERAL REMINDERS BY THE GERMAN
COCOM DELEGATE WE MUST RECKON WITH FURTHER DELAYS
IN THE HANDLING OF THE ABOVE-LISTED CASES BY THE
AMERICAN AUTHORITIES, AND THE MEASURES AVAILABLE TO THE
GERMAN COCOM DELEGATION ARE EXHAUSTED, THE EMBASSY IS
REQUESTED TO PRESS THE COMPETENT AMERICAN AUTHORITIES
FOR A SPEEDY DECISION. IN THIS CONNECTION IT SHOULD BE
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POINTED OUT THAT ON LEGAL GROUNDS WE ARE OBLIGED TO
DECIDE ON EXPORT APPLICATIONS WITHIN A REASONABLE TIME.
THE COCOM TIME LIMITS (18-30 DAYS) APPEAR REASONABLE
IN THESE CASES. EVERY GERMAN APPLICANT HAS A RIGHT TO
BRING A COMPLAINT FOR INACTIVITY (UNTAETIGKEITSKLAGE)
AGAINST THE GERMAN AUTHORITIES AFTER THREE MONTHS.

THIS CORRESPONDS TO THE AMERICAN RULES, WHICH PROVIDE FOR A 90-DAY TIME LIMIT FOR DECISIONS ON EXPORT APPLICATIONS.

"WE CAN UNDERSTAND THAT IN INDIVIDUAL CASES TECHNICAL QUESTIONS MAY BE PUT OR STRATEGIC CONCERNS VOICED BY THE AMERICAN SIDE, INsofar AS THESE REST ON THE COCOM STRATEGIC CRITERIA. THIS SHOULD NOT LEAD, HOWEVER, TO AN UNJUSTIFIABLE EXTENSION OF TIME LIMITS. THE EMBASSY SHOULD URGE, THEREFORE, THAT IN THE CASES MENTIONED A DECISION SHOULD BE MADE OR REASONS FOR NON-DECISION STATED WITHIN A SHORT TIME. SHOULD IT BE IMPOSSIBLE TO ACCELERATE THE PROCEDURE IN THESE AND FUTURE CASES, WE WOULD HAVE TO RESERVE THE RIGHT TO EXAMINE WHETHER IN URGENT INDIVIDUAL CASES WE SHOULD NOT TAKE A DECISION ON OUR OWN AUTHORITY, AS LONG AS COCOM STRATEGIC CRITERIA ARE NOT AFFECTED."

3. US DEL NOTES THAT TWO CASES CONTAINED IN GERMAN DEMARCHE-COCOM DOCS (76) 993 AND 1369 - HAVE NOW BEEN SETTLED AND THAT UK DEL IS ALSO IN RESERVE ON COCOM DOC (76) 1024 PENDING RESPONSE TO UK QUESTIONS (SEE COCOM DOC (76) 1168). WITH RESPECT TO COCOM DOC (76) 1269 NETHERLANDS DEL STATED FOR RECORD THAT HIS DELEGATION WOULD RELY ON U.S. TO MAKE FINAL DETERMINATION REGARDING STRATEGIC CONSEQUENCES OF EXPORT (SEE COCOM DOC (76) 1629). COCOM DOCS (76) 550 AND 918 HAVE BEEN PENDING U.S. LICENSE RESERVE IN COCOM SINCE APRIL 14 AND JUNE 22 RESPECTIVELY. U.S. DEL NOTIFIED GERMAN DEL ON AUG 31 THAT NO CORRESPONDING

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U.S. LICENSE APPLICATION HAD YET BEEN RECEIVED WITH RESPECT TO COCOM DOC (76) 918. COCOM DOC (76) 1022 HAS BEEN PENDING U.S. RESERVE SINCE JUNE 29. GERMAN DEL RESPONDED TO U.S. QUESTIONS ON NOV 3 AND U.S. VIEWS HAVE BEEN OVERDUE SINCE NOV 18.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DEMARCHE, INSTRUCTIONS, STRATEGIC TRADE CONTROLS, EXCEPTIONS LIST, EXPORT LICENSES
Control Number: n/a
Copy: SINGLE
Sent Date: 07-Jan-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977OECDP00554
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Review Exemptions: n/a
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Secure: OPEN
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TAGS: ESTC, GE, US, COCOM
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